

REMARKS

These remarks are responsive to the Non-final Office Action mailed November 6, 2009 (“Action”). Reconsideration and allowance of the instant application are respectfully requested.

Telephonic Interview

Preliminarily, Applicants wish to thank Examiner Jama for the courtesies extended to their representatives during the telephonic interview on January 21, 2010. The following remarks include Applicants’ substance of interview pursuant to MPEP § 713.04. During the interview, Applicants discussed proposed amendments to claim 1 and discussed the references cited in the Non-final Office Action mailed November 6, 2009. Pending further consideration, agreement was tentatively reached that at least the concept of short codes unique to first or second applications in combination with administrative short codes consistent for the first and second applications defines over the cited references. These concepts have been incorporated into each of the independent claims.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 2, 5, 8, 10-15, 18, and 27 stand rejected under 35 U.S.C. § 103(a) as being obvious over Dusse et al. (US 6,647,260) in view of Kaebling (EP 1 262 931 A1).

Claims 3, 4, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as being obvious over Dusse, Kaebling, and Levy (US 5,944,790).

Claims 6 and 9 stand rejected under 35 U.S.C. § 103(a) as being obvious over Dusse, Kaebling, and Jiang et al. (US 2005/0114798).

Claims 19-24 stand rejected under 35 U.S.C. § 103(a) as being obvious over Dusse, Kaebling, and Shetyn et al. (US 6,782,253).

Claim 25 stands rejected under 35 U.S.C. § 103(a) as being obvious over Perkowski et al. (US 2004/0210479) in view of Kaebling.

Applicants respectfully traverse for at least the following reasons.

A. Comments on Claims 1, 10, 19, 25, and 27 and their respective dependent claims

Claim 1, as amended, recites a mobile terminal configured to perform:

“decoding, by the first or second local client executable application, the received short text messaging system message using a set of short codes that comprises short codes unique to the first or second application for translating at least a portion of the received

short text messaging system message into a human understandable format, and administrative short codes that are consistent for the first and second applications and used to instruct the first or second application.”

The instant application provides an example of these claim features in paragraphs 40-43. *See US 2007/0191032.* For instance, the first application, e.g., may be a soccer portal, and the second application, e.g., may be a world rally championship (WRC) portal. The first application may apply its unique short code to decode “MC” into human understandable format (i.e., “Manchester City”), and the second application may apply its unique short code to decode “MC” into human understandable format (i.e., “Monte Carlo”). In contrast with short codes that are unique to the first and second applications, the instant application describes administrative short codes that are consistent for and used to instruct the first and second applications. For example, both the first and second application may consistently decode an administrative short code “FM” into the instruction “Flush Memory.”

The combination of Dusse and Kaebling, even if proper, fails to disclose or suggest the claimed decoding. On page 3, the Action concedes that Dusse fails to teach or suggest the claimed decoding, and hence Applicants submit that the amendments to claim 1 further define over Dusse. Kaebling fails to remedy this deficiency.

Kaebling does not disclose short codes unique to the first or second application, and administrative short codes that are *consistent* for first and second applications and used to instruct the first or second application. Kaebling relates to communicating text messages in an abbreviated form and expanding the messages upon receipt. *See* Kaebling at Abstract. For instance, Kaebling indicates that “IP” can mean “intellectual property” (*id.* at C3, L20-21), and WUVNE can mean “Penguins have begun to arrive on the island” (*id.* at C4, L18-20). Kaebling also indicates that multiple codebooks can “share part or all of their contents with one another or may be mutually exclusive and incompatible.” *Id.* at C11, L12-17.

Kaebling, however, is silent on the concept of administrative short codes that are consistent for first and second applications. For instance, Kaebling describes automatic selection of a code book where “*a portion of the message . . . inform[s] the target device which code book to select.*” *Id.* at C11, L27-29 (emphasis added). Kaebling does not indicate that the “portion of the message” is a short code, and further does not disclose decompressing the “portion of the message” into an instruction. As such, the combination of Dusse and Kaebling, even if proper,

fails to disclose or suggest a method including the features of “decoding, by the first or second local client executable application, the received short text messaging system message using a set of short codes that comprises short codes unique to the first or second application for translating at least a portion of the received short text messaging system message into a human understandable format, and administrative short codes that are consistent for the first and second applications and used to instruct the first or second application.”

Independent claims 10, 19, 25, and 27 are allowable at least for reasons analogous to those given in support of amended claim 1.

The pending claims that respectively depend from independent claims 1, 10, 19, 25, and 27 are allowable at least due to their dependence on an allowable claim.

B. Comments on Claim 12

Amended claim 12 depends on claim 10 and recites “wherein at least one of the administrative short codes instructs the mobile terminal to flush data stored in memory for the first or second application.” As discussed above, Dusse and Kaebling do not disclose the claimed administrative short codes, and hence amended claim 12 further defines over these references.

The claimed flushing of data from a memory further defines over the cited references. Flushing of a memory was previously recited in claim 6. To reject claim 6, the Action concedes that Dusse and Kaebling fail to disclose flushing of a memory and relies on Jiang to remedy this deficiency. *See* Action, p. 7. In the rejection, the Action asserts:

Jian teaches a back button in mobile application whereby historical record serves as a backup that allows the user to restore his album if the Yahoo!Photos program is erased [Page 6, paragraph 0067]. Jian also teaches that that back button in mobile applications where the functionality and profile of each mobile device are implemented using a Java 2 Micro Edition (J2ME.TM.) platform [Page 2, paragraph 0018]. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the system of Jiang in the combined methods of Dusse and Kaebling in order to make room for new data, and to facilitate cross platform applications.

Id. The above excerpt Action appears to be referring to the historical record described in paragraph 76 of Jiang, not in paragraph 67. Notably, paragraphs 18 and 76 of Jiang do not disclose decoding a message using an administrative short code into an instruction to flush data. For instance, the backing up of photos discussed in paragraph 76 of Jiang does not refer to use of decoding a message using an administrative short code into an instruction to flush data. As such, the combination of Dusse, Jiang, and Kaebling, even if proper, do not disclose the features of amended claim 12. Accordingly, Applicants respectfully submit that claim 12 is in condition for allowance and request withdrawal of the rejection under 35 U.S.C. § 103.

CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance. Favorable reconsideration of this application is respectfully requested. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: February 8, 2010

By: Christopher M. Swickhamer
Christopher M. Swickhamer
Registration No. 59,853
BANNER & WITCOFF, LTD.
10 South Wacker Drive,
Suite 3000
Chicago, IL 60606
Telephone: 312-463-5000
Facsimile: 312-463-5001